

**CLOSED**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

**United States of America**

**v.**

**JUDGMENT IN A CRIMINAL CASE**

(For Offenses Committed on or After November 1, 1987)

**No. 08-15966-001M-SD**

**Jose Roberto Jacobo-Ayala**  
Brenda Acosta Sandoval (AFPD)  
Attorney for Defendant

**Citizen of Mexico**

**USM#: 76068-208**

**DOB: 1985**

**ICE#: A96 236 644**

**THE DEFENDANT ENTERED A PLEA OF guilty on 7/9/2008 to Count TWO of the Complaint.**

**ACCORDINGLY, THE COURT HAS ADJUDICATED THAT THE DEFENDANT IS GUILTY OF THE FOLLOWING OFFENSE(S):** violating Title 8, USC § 1325, Illegal Entry, a Petty offense, as charged in Count TWO of the Complaint.

**IT IS THE JUDGMENT OF THE COURT THAT** the defendant is hereby committed to the custody of the Bureau of Prisons for a term of **TEN (10) DAYS** on Count TWO, with credit for time served.

**IT IS FURTHER ORDERED** that all remaining counts are dismissed on motion of the United States.

**CRIMINAL MONETARY PENALTIES**

The defendant shall pay to the Clerk the following total criminal monetary penalties:

**SPECIAL ASSESSMENT: \$Remitted**      **FINE: \$**      **RESTITUTION: \$**

If incarcerated, payment of criminal monetary penalties are due during imprisonment at a rate of not less than \$25 per quarter and payment shall be made through the Bureau of Prisons' Inmate Financial Responsibility Program. Criminal monetary payments shall be made to the Clerk of U.S. District Court, Attention: Finance, 880 Front Street, San Diego, California 92101. Payments should be credited to the various monetary penalties imposed by the Court in the priority established under 18 U.S.C. § 3612(c). The total special assessment of \$Remitted shall be paid pursuant to Title 18, United States Code, Section 3013 for Count TWO of the Complaint.

Any unpaid balance shall become a condition of supervision and shall be paid within prior to the expiration of supervision. Until all restitutions, fines, special assessments and costs are fully paid, the defendant shall immediately notify the Clerk, U.S. District Court, of any change in name and address. The Court hereby waives the imposition of interest and penalties on any unpaid balances.

**IT IS FURTHER ORDERED** that the Clerk of the Court deliver two certified copies of this judgment to the United States Marshal of this district.

The Court orders commitment to the custody of the Bureau of Prisons. The defendant is remanded to the custody of the United States Marshal.

**08-15966-001M-SD**

*Page 2 of 2*

*USA vs. Jose Roberto Jacobo-Ayala*

Date of Imposition of Sentence: **Wednesday, July 9, 2008**



Date 7/9/2008

DAVID K. DUNCAN, United States Magistrate Judge

**RETURN**

I have executed this Judgment as follows: \_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_, the institution designated by the Bureau of Prisons, with a certified copy of this judgment in a Criminal case.

By: \_\_\_\_\_

United States Marshal  
08-15966-001M-SD -

Deputy Marshal

DATE: 7/9/2008 CASE NUMBER: 08-15966-001M-SD

## PLEA/SENTENCING MINUTES

USA vs. Jose Roberto Jacobo-AyalaU.S. MAGISTRATE JUDGE: DAVID K. DUNCAN Judge #: 70BLU.S. Attorney \_\_\_\_\_ INTERPRETER REQ'D Ricardo GonzalezAttorney for Defendant Brenda Acosta Sandoval (AFPD) LANGUAGE: SpanishDEFENDANT:  PRESENT  NOT PRESENT  RELEASED  CUSTODY

DOA \_\_\_\_\_  Complaint Filed  Appointment of counsel hearing held  
 Financial Afdvt taken  No Financial Afdvt taken  Financial Afdvt sealed  
 Initial Appearance

DETENTION HEARING:  Held  Cont'd  Reset  UA

Set for: before:

Defendant ordered temporarily detained in the custody of the United States Marshal  
 Defendant ordered released (see order setting cond of rel)  Bail set at \$ \_\_\_\_\_  
 Defendant continued detained pending trial  Flight Risk  Danger

PLEA HEARING:  Held  Cont'd  Reset

Set for: before:

Consent to be tried by a Magistrate Judge signed  Class A Misd  Class B Misd  Class C Misd  
 Consent of Defendant  Information filed \_\_\_\_\_  Complaint filed \_\_\_\_\_  
 Defendant sworn and examined by the Court  Plea of Guilty  Not Guilty  Entered to Counts TWO  
 Defendant states true name to be \_\_\_\_\_. Further proceedings ORDERED in defendant's true name.  
 Plea of Guilty entered as to Ct(s) TWO of the  Information  Indictment  Complaint  
 Court recommends/or accepts defendant's plea and finds plea to be freely and voluntarily given.  
 Plea agreement:  Lodged  Filed  Sealed  
 Court does not accept defendant's plea of guilty because \_\_\_\_\_  
 PSI ORDERED  EXPEDITED  PSI waived  Time waived for passage of sentence  
 Continued for sentence to \_\_\_\_\_ before \_\_\_\_\_  
 To be dismissed upon entry of the judgment, Ct(s) ONE  
 ORDER vacate trial date/motion hearing/mtns moot  
 ORDER defendant remain released pending sentence  remanded to USM

## SENTENCING:

Defendant committed to Bureau of Prisons for a period of 10 days  Probation/Supervised Release for \_\_\_\_\_  
 Special Assessment \$ REMITTED  Fine \$ \_\_\_\_\_  Restitution \$ \_\_\_\_\_

Other: \_\_\_\_\_

RECORDED: CS  
BY: Angela J. Tuohy, Deputy Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA - YumaDATE: 7/7/08CASE NUMBER: 08-15966M-001USA vs. Jose Roberto Jacobo-AyalaU.S. MAGISTRATE JUDGE: MARK W. REEVES FOR JAY R. IRWIN #: 70BKA.U.S. Attorney \_\_\_\_\_ INTERPRETER Ricardo Gonzalez  
LANGUAGE SpanishAttorney for Defendant Brenda Acosta Sandoval (AFPD)

MATERIAL WITNESS(es): \_\_\_\_\_

MATERIAL WITNESS(es) state true name(s) to be: \_\_\_\_\_

Attorney for Material Witness(es): \_\_\_\_\_

DEFENDANT:  PRESENT  NOT PRESENT  CUSTODYDOA 7/4/08  Initial Appearance  Appointment of counsel hearing held  
 Financial Afdvt taken  Defendant Sworn  Financial Afdvt sealed  
 Rule 5(c)(3)  Defendant states true name to be \_\_\_\_\_. Further proceedings ORDERED  
in Defendant's true name.

<p><b>DETENTION HEARING:</b></p> <p><input type="checkbox"/> Held <input type="checkbox"/> Con't <input type="checkbox"/> Submitted <input type="checkbox"/> Reset  Set for:  Before:  <input checked="" type="checkbox"/> Defendant ordered temporarily detained in the custody of the United States Marshal  <input type="checkbox"/> Defendant ordered released _____  <input type="checkbox"/> Defendant continued detained pending trial  <input type="checkbox"/> Flight risk <input type="checkbox"/> Danger</p>	<p><b>IDENTITY HEARING:</b></p> <p><input type="checkbox"/> Held <input type="checkbox"/> Con't <input type="checkbox"/> Submitted <input type="checkbox"/> Reset  <input type="checkbox"/> Waived  Set for:  Before:  <input type="checkbox"/> Warrant of removal issued.</p>
<p><b>PRELIMINARY HEARING:</b></p> <p><input type="checkbox"/> Held <input type="checkbox"/> Con't <input type="checkbox"/> Submitted <input type="checkbox"/> Reset  <input type="checkbox"/> Waived  Set for:  Before:  <input type="checkbox"/> Probable cause found <input type="checkbox"/> Dismissed  <input type="checkbox"/> Held to answer before District Court</p>	<p><b>STATUS HEARING:</b> re: _____</p> <p><input type="checkbox"/> Held <input type="checkbox"/> Con't <input type="checkbox"/> Reset  Set for:  Before:</p>

Other: Plea and possible sentence hearing is set for 7/9/08 at 10:30 am before Magistrate Judge Duncan (Yuma)Recorded by Courtsmart  
BY: Angela J. Tuohy  
Deputy Clerk

# United States District Court

7/04

## SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

v.

Jose Roberto JACOBO-Ayala  
Citizen of Mexico  
YOB: 1985  
096236644  
Illegal Alien

CRIMINAL COMPLAINT

CASE NUMBER: 08-15966-H-SD

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

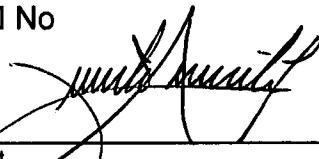
### COUNT I

That on or about June 19, 2008, Defendant Jose Roberto JACOBO-Ayala was arrested and removed from the United States to Mexico through the port of San Luis, Arizona, in pursuance of law, and thereafter on or about July 4, 2008, Defendant was found in the United States near Palo Verde, California within the Southern District of California, the Secretary of the Department of Homeland Security not theretofore having consented to any reapplication by the Defendant for admission into the United States and after the Defendant had willfully and unlawfully returned and remained in the United States; in violation of Title 8, United States Code, Section 1326 (Felony).

### COUNT II

That on or about July 3, 2008, within the Southern District of California, Defendant Jose Roberto JACOBO-Ayala, an alien, did knowingly and willfully enter the United States at a time or place other than as designated by Immigration Officers; in violation of Title 8, United States Code, Section 1325 (Misdemeanor).

Continued on the attached sheet and made a part hereof.  Yes  No

  
Signature of Complainant  
Ernesto Aldrete  
Senior Patrol Agent

Sworn to before me and subscribed in my presence,

July 7, 2008

Date

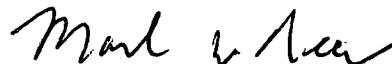
at

Yuma, Arizona

City and State

Jay R. Irwin, U.S. Magistrate

Name & Title of Judicial Officer

  
Signature of Judicial Officer

## STATEMENT OF FACTUAL BASIS

Defendant: Jose Roberto JACOBO-Ayala

Dependents: None

**IMMIGRATION HISTORY:** The Defendant was last removed through San Luis, Arizona on June 19, 2008. The Defendant has been apprehended by the U.S. Border Patrol on thirteen (13) prior occasions.

**CRIMINAL HISTORY:**

<b><u>DATE/LOCATION</u></b>	<b><u>OFFENSE</u></b>	<b><u>DISPOSITION</u></b>
10/14/03 Imperial, CA	8 USC 1325 Grand Theft Auto	Deported to Mex thru Calexico, California
01/19/04 Imperial, CA	8 USC 1325	Voluntary Return
06/08/04 Calexico, CA	8 USC 1326	Pros Declined

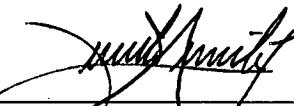
**Narrative:** The Defendant, a citizen of Mexico and illegally within the United States, was encountered by Yuma Border Patrol agents near Palo Verde, California.

The Defendant was questioned as to his citizenship and immigration status. From that questioning agents determined that the Defendant is an undocumented national of Mexico and illegally in the United States.

The Defendant was transported to the Yuma station for processing. During processing, questioning and computer record checks the above criminal and immigration information was obtained as it relates to this Defendant.

The Defendant last entered the United States illegally without inspection near Calexico, California on July 3, 2008.

Charges: 8 USC§1326 (Felony)  
8 USC§1325 (Misdemeanor)

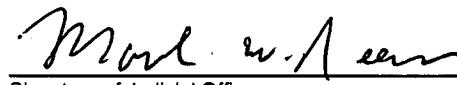


Signature of Complainant

Sworn to before me and subscribed in my presence,

July 7, 2008

Date



Signature of Judicial Officer

I, Senior Patrol Agent Ernesto Aldrete, declare under penalty of perjury, the following is true and correct:

### STATEMENT OF FACTUAL BASIS

Defendant: Jose Roberto JACOBO-Ayala

Dependents: None

**IMMIGRATION HISTORY:** The Defendant was last removed through San Luis, Arizona on June 19, 2008. The Defendant has been apprehended by the U.S. Border Patrol on thirteen (13) prior occasions.

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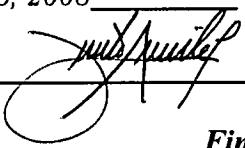
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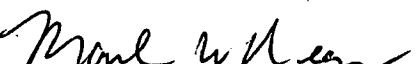
Executed on: July 6, 2008 Time: 8:28 a.m.

Signed:  Senior Patrol Agent

#### *Finding of Probable Cause*

On the basis of the facts presented in the foregoing Probable Cause Statement, consisting of one page, I find probable cause to believe that the defendant named therein committed the offense on July 3, 2008 in violation of Title 8, United States Code, Section(s) 1326 and 1325.

Finding made on: Date July 6, 2008 Time 5:17 PM

Signed:  United States Magistrate Judge